

Message Text

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ACTION DHA-05

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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC PRIORITY 6659

C O N F I D E N T I A L SANTIAGO 8059

STADIS////////////////////////////////////

E.O. 11652: GDS
TAGS: SREF SHUM CI
SUBJECT: PROPOSAL FOR RELEASE OF CHILEAN POLITICAL PRISONERS

REF: STATE 229195

1. THE EMBASSY WHOLEHEARTEDLY ENDORSES THE DEPARTMENT'S GOAL OF OBTAINING THE RELEASE OF ALL POLITICAL/SECURITY PRISONERS IN CHILE. A FINAL BLANKET PRISONER RELEASE HAS BEEN DISCUSSED PERIODICALLY HERE BY INTERESTED PARTIES INCLUDING THIS EMBASSY, ICEM, AND OTHER EMBASSIES. ICEM HAS BEEN LAYING THE GROUNDWORK WITH THE GOC. BY COORDINATING OUR ACTIONS AT THE PRESIDENTIAL LEVEL WITH ICEM ACTIONS AT LOWER LEVELS WE BELIEVE THE GOAL IS FEASIBLE. RESULTS WOULD CLEARLY BE SIGNIFICANT IN HUMANITARIAN AND INSTITUTIONAL TERMS.

2. A SEPARATE MESSAGE WILL SPELL OUT OUR BEST ESTIMATES (REFLECTING ICEM, VICARIATE AND RED CROSS CONSOLIDATED DATA ON THE NUMBERS (BY CATEGORIES) OF PERSONS WHO MIGHT BE AFFECTED BY THIS PROPOSAL. WE ESTIMATE THERE MAY BE AS MANY AS 400. THE KEY MECHANISM FOR MOST OF THE RELEASES WOULD BE DECREE LAW 504 OF MAY 1975. IT PERMITS A SPECIAL PARDON BOARD TO COMMUTE TO EXILE THE SENTENCES OF PRISONERS CONVICTED OF INTERNAL SECURITY
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PAGE 02 SANTIA 08059 300144Z

CODE VIOLATIONS. THIS PROCEDURE IS ESTABLISHED AND REMAINING PRISONERS SERVING SENTENCES COULD BE PROCESSED QUICKLY. A SECOND CATEGORY ARE PERSONS IN JAIL AWAITING MILITARY TRIAL OR FINAL SENTENCING. ICEM BELIEVES COURT ACTION CAN BE ACCELERATED. ONCE SENTENCED THESE PRISONERS WOULD BE ELIGIBLE FOR DL 504 COMMUTATIONS. THIRD POSSIBLE CATEGORY OF AFFECTED PRISONERS WOULD BE

THOSE CONVICTED OR STANDING TRIAL IN REGULAR CIVILIAN COURTS CHARGED WITH CIVIL CRIMES -- SOME OF WHOM MAY ALSO FALL IN THE POLITICAL PRISONER CATEGORY. ICEM WOULD LIKE THE GOC TO CONSIDER THESE BORDERLINE SITUATIONS ON A CASABY-CASE BASIS.

3. ICEM IS OPTIMISTIC THAT THE TIME IS RIGHT FOR SUCH A MOVE. IT SAYS THE AIR FORCE HAS FINALLY AGREED NOT TO BLOCK EACH TRIAL CASES FOR DL 504 COMMUTATIONS AND THAT A NUMBER OF OTHER SENIOR GOC OFFICIALS NOW BELIEVE THAT ALL DL 504 REQUESTS SHOULD BE APPROVED. THE FACT THAT THE SPECIAL PARDON BOARD HAS RECENTLY AGREED TO CONSIDER THE LAZO AND SCHNAKE CASES MAY BE CONFIRMATION OF THIS IMPROVED ATMOSPHERE.

4. ICEM'S BAIT FOR GOC CONSENT TO A LARGE-SCALE RELEASE OF POLITICAL PRISONERS WOULD BE A PUBLIC STATEMENT SAYING THAT ICEM IS EFFECTIVELY SHUTTING DOWN ITS OPERATION IN CHILE SINCE THERE ARE NO LONGER ANY POLITICAL PRISONERS. THIS WOULD BE A STRONG INDUCEMENT FOR THE GOC. ICEM IS PREPARED TO EXAGGERATE SOMEWHAT IN ORDER TO PLAY THE GOC'S ACTIONS AGAINST THE ARGENTINES AND OTHERS IN THE SOUTHERN CONE.

5. I WILL BE MEETING WITH LOCAL ICEM CHIEF KOZAK SEPTEMBER 29 TO DISCUSS THE SITUATION IN GREATER CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 08059 300144Z

DETAIL. AT FIRST BLUSH I SEE A NUMBER OF ADVANTAGES IN WORKING WITH ICEM ON THIS ISSUE:

-- THE GOC, IN ANY EVENT, WILL FIND IT HARD TO BELIEVE THAT OUR INITIATIVE IS NOT SOMEHOW RELATED TO ICEM'S ALREADY QUASI-PUBLIC EFFORTS:

-- THE GOC MAY FIND IT POLITICALLY MORE PALATABLE TO LET ICEM, RATHER THAN INDIVIDUAL GOVERNMENTS, TAKE CREDIT FOR THE RELEASES;

-- OUR SUPPORTIVE, RATHER THAN LEAD, ROLE REDUCES THE IOU WE GIVE TO PINOCHET. HOWEVER, A DIRECT USG APPROACH TO PINOCHET WILL PROBABLY ELICIT SUGGESTION OF SOME USG QUID PRO QUO. WE SHOULD START THINKING WHAT WOULD BE APPROPRIATE IF THE PROPOSAL IS MADE AND ACCEPTED.
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